

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

No. CIV S-05-0550 DFL DAD

vs.

STEVEN A. FISCHER,

ORDER

Defendant.

_____/

The subject of this action is defendant's alleged default on a student loan. Defendant has not made an appearance. Following the adversary proceeding in bankruptcy court in which defendant was involved, plaintiff filed an amended complaint on November 27, 2006, as permitted by the court. The status conference set for December 15, 2006, was continued to February 16, 2007, at plaintiff's request because the United States Marshal was in the process of serving the amended complaint on defendant.

In its status report filed February 9, 2007, plaintiff indicates that the United States Marshal has attempted to effect personal service on defendant at defendant's residence but has been unsuccessful. Plaintiff states that the United States Marshal will continue to attempt service at defendant's residence and that, alternatively, plaintiff will undertake other means of completing service on defendant. Plaintiff requests that the status conference be continued an

1 additional 60 days to provide plaintiff additional time to effect service and for defendant to
2 respond to the amended complaint or for plaintiff to request entry of default and default
3 judgment.

4 In light of the circumstances, IT IS HEREBY ORDERED that:

5 1. Plaintiff's request for continuance is granted;

6 2. The further status conference set for February 16, 2007, is **continued** to **April**
7 **20, 2007**, at **11:00 a.m.** in Courtroom 27. Plaintiff shall file a status report not later than five (5)
8 court days prior to the status conference; and

9 3. Plaintiff is directed to serve a copy of this order on defendant as soon as
10 practicable.

11 DATED: February 13, 2007.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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